

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

PAULA PEEPLES and JESSE PEEPLES )

Plaintiffs, )

v. )

CAUSE NO.: 2:10-CV-379-TLS

RAY GALLANT, owner, )

RESTORATION ONE INCORPORATED )

Defendants. )

**ORDER**

This matter is before the Court on a Report and Recommendation [ECF No. 18] entered by Magistrate Judge Andrew P. Rodovich on December 21, 2011. In a hearing before the Magistrate on December 16, the Plaintiffs appeared and informed the Magistrate that the total damages to their home were in the amount of \$45,000. The Magistrate recommends that this cause of action be dismissed for lack of subject matter jurisdiction, as the amount in controversy does not appear to exceed \$75,000. More than fourteen days have elapsed since the filing of the Magistrate's Report and Recommendation, and the Plaintiffs have not filed an objection.

Accordingly, upon full consideration, and based on the reasoning in the Report and Recommendation, the Court now APPROVES the Magistrate's Report and Recommendation [ECF No. 18]. Because it appears this Court lacks subject matter jurisdiction, the Court DISMISSES this cause of action. Further, the pending Motion for Default Judgment [ECF No. 8] is now RENDERED MOOT.

SO ORDERED on January 20, 2012.

s/Theresa L. Springmann  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION